



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, January 13, 2011 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	February 10, 2011

MEMBERS PRESENT

Vincent M. White, Professional Member, Chairman
Andrew Staton, Professional Member, Vice Chairman
Gilbert Emory, Public Member
Patricia O'Brien, Public Member
James C. Brannon, Jr., Public Member
Denise R. Stokes, Public Member
Ricky H. Allamong, Professional Member
Michael Harrington, Sr., Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBER ABSENT

Christopher J. Whitfield, Professional Member, Secretary

ALSO PRESENT

Tim Riale
Larry Tims
Denise Tatman, DAR
Crystal Hudson, SCAOR
Richard Marcus
Tom Burns
Tracey Espada

CALL TO ORDER

Mr. White called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Staton, seconded by Mr. Emory to approve the minutes of the meeting held on December 9, 2010. The motion passed unanimously.

HEARINGS

Case No. 02-07-10 Against Mark Mueller

The Commission reviewed the consent agreement for Case No. 02-07-10 against Mark Mueller. According to the consent agreement, Mr. Mueller will receive a letter of reprimand and his license will be flagged for audit to determine continuing education compliance for the next renewal period if he reinstates his license. A motion was made by Mr. Allamong, seconded by Mr. Emory to accept the consent agreement. The motion passed unanimously.

Case No. 02-29-10 Against Karen S. Kimbleton

A continuance was granted in Case No. 02-29-10 against Karen S. Kimbleton. This hearing will be rescheduled for the March 10, 2011 meeting.

NEW BUSINESS

Applications for Licensure

A motion was made by Mr. Staton, seconded by Mr. Brannon to ratify the following new salesperson applicants as presented:

Jennifer Blatstein, Marcus & Mullichap, Philadelphia, PA
Anthony Oliver, Sr., Keller Williams at the Beach, Lewes, DE
Richard Cooper, Lewes Realty Inc., Lewes, DE
Joy Boone, Affinity Realty, Lewes, DE
Keith Misener, Long & Foster Real Estate, Inc., Rehoboth, DE
Neil Brosnahan, Long & Foster Real Estate, Inc., Bethany Beach, DE
Karen Barnes, Keller Williams Realty at the Beach, Lewes, DE
Alfred Diorio, Long & Foster Real Estate, Inc., Bethany Beach, DE
Jeremy Swerling, Shamrock Realty Group, LLC, Berlin, MD
Clint Bader, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Melinda Griffith, Long & Foster Real Estate, Inc., Bethany Beach, DE
Gina Paret, First Class Properties, Dover, DE
Mysteria Eastridge, First Class Properties, Dover, DE
Andrew Hultberg, Patterson-Schwartz & Associates, Hockessin, DE
Ernestine Schnabele, Long & Foster Real Estate, Inc., Bethany Beach, DE
Damian Jorss, Long & Foster Real Estate, Inc., Bethany Beach, DE
Ralph Larson, Coldwell Banker Preferred, Wilmington, DE
Glenn Griffin, Century 21 Ramey Real Estate, Inc., Seaford, DE
Daniel Spruance, Prudential Fox & Roach, Greenville, DE
Alan Mazzetti, Prudential Fox & Roach, Hockessin, DE

Mike Windish, Prudential Fox & Roach, Hockessin, DE
Patricia Cullen, Long & Foster, Bear, DE
G. Patrick Allen, Keller Williams, Christiana, DE
Loraine Padovani, The Realty Retriever, Hockessin, DE
Wendy Chibisov, Long & Foster Real Estate, Inc., Bethany Beach, DE
Donnie Horton, Heath Agency, Elkton, MD
Kathleen Woods, Keller Williams, Christiana, DE
Sarah Healy, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Kathleen Schell, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Helen Fausnaught, Prudential Gallo, Realtors, Lewes, DE
Laura Potter, Harrington ERA Realty, Inc., Dover, DE
Karen Oass, Long & Foster Real Estate, Inc., Bethany Beach, DE
Santina Gugliotta Iacchetta, Long & Foster Real Estate, Inc., Bethany Beach, DE
Michael Clarke, Long & Foster Real Estate, Inc., Bethany Beach, DE
Joseph Fletcher, Century 21 Alliance, Aston, PA
Laurie Komorowski, Century 21 Alliance, Aston, PA

The motion passed unanimously.

The application of Blaine Williamson for a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Kevin Hensley for a resident broker's license was reviewed. A motion was made by Ms. Stokes, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

The application of Tracey Espada for a resident broker's license was reviewed. Ms. Espada was present and answered questions from Commissioners regarding her application. A motion was made by Mr. Staton, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

The application of David Leach for a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Emory to approve this application. The motion passed unanimously.

New Office

The application of Regional Realty Experts for a new office was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Brannon to approve this application pending receipt of a copy of a deposit slip for the escrow account. The motion passed unanimously.

Reinstatement of Licenses

The application of Matthew Fetick for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Ms. Stokes, seconded by Ms. O'Brien to approve Mr. Fetick for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Carol Dehorty for reinstatement of a resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Brannon to approve Ms. Dehorty for reinstatement pending passing the broker's core course within 90 days. This course cannot be used for the 2012 renewal and Ms. Dehorty's record will be flagged for audit for the 2012 renewal. The motion passed unanimously.

The application of Alan Perry for reinstatement of a resident broker's license was reviewed. A motion was made by Ms. Staton, seconded by Mr. Brannon to approve Mr. Perry for reinstatement pending passing the state portion of the exam. The continuing education courses submitted for reinstatement cannot be used for the 2012 renewal and Mr. Perry's record will be flagged for audit for the 2012 renewal. The motion passed unanimously.

Status of Complaints

Complaint No. 02-10-09 – Hearing date will be scheduled as soon as possible.

Complaint No. 02-38-10 – Assigned to Mr. Allamong

Complaint No. 02-39-10 – Assigned to Mr. Whitfield

Complaint No. 02-40-10 – Assigned to Mr. Staton

Complaint No. 02-41-10 – Assigned to Mr. White

Complaint No. 02-42-10 – Assigned to Mr. Harrington

Education Committee Report

Review Draft Outline of the Updated Broker's Core Course

Mr. Tims introduced Tim Riale as the newly elected Chairperson of the Education Committee.

Commission members received a copy of the proposed revised broker's core course outline. Mr. Riale reviewed the outline with the Commission. The course contains 5 core modules. An instructor must complete the course "Train the Trainer" in order to instruct this course. The number of continuing education hours for brokers will increase to 21 hours.

Mr. Burns, a member of the Subcommittee, spoke about developing the outline. He stated that the Subcommittee did not focus on the number of hours, but focused on the course content. Ms. Tatman provided comments about the outline which included the impact on continuing education providers. She also provided Commission members with a copy of her comments.

A motion was made by Mr. Allamong, seconded by Mr. Harrington to approve the broker's core course outline as presented to start May 1, 2012. The motion passed unanimously.

Discussion: Forming a Subcommittee to Develop a Code of Ethics

A discussion was held regarding forming a subcommittee to develop a code of ethics. Commission members were provided with a copy of the Canons of Ethics for The Real Estate Industry for their review. The Commission directed the Education Committee to form a Subcommittee and report back at the April Commission meeting.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. Staton, seconded by Mr. Allamong to approve and deny course providers, instructor applications and student requests as noted in the minutes of the January 6, 2011 meeting of the Real Estate Education Committee. The motion passed unanimously.

Mr. Tims advised that Doug Doyle was elected at the Vice-Chairperson of the Education Committee and that Frani Melda has resigned which creates a vacancy for Kent County. Mr. Tims also advised

that his term will be up in April which creates a vacancy for New Castle County. The Commission thanked Mr. Tims for his service as Chairperson.

Review of Letter from Deborah Shockley Requesting to be Licensed With Two Offices

The Commission reviewed the letter from Deborah Shockley requesting to be licensed with two companies. A motion was made by Mr. Harrington, seconded by Mr. Brannon to allow Ms. Shockley to be licensed with two companies. The motion passed by majority vote. Mr. Allamong recused himself from this discussion.

Review of Letter from Christian Donovan Requesting a Waiver of the One-Year Requirement

The letter from Christian Donovan requesting a waiver of the one-year requirement was reviewed by the Commission. A motion was made by Mr. Staton, seconded by Mr. Harrington to grant Mr. Donovan a 60-day extension. The motion passed unanimously.

Review of Letter from Gregory Jones Requesting Reconsideration of the Reinstatement of His License

The letter from Gregory Jones requesting reconsideration of the reinstatement of his non-resident salesperson's license was reviewed. Mr. Jones was requesting a waiver of having to retake the state portion of the exam. A motion was made by Mr. Allamong, seconded by Mr. Staton to deny Mr. Jones' request. The motion passed unanimously.

Reinstatement of License

The application of Carol Dehorty for reinstatement of a resident broker's license was again reviewed. A motion was made by Mr. Allamong, seconded by Mr. Staton to append the motion to add that Ms. Dehorty must also pass the state portion of the exam as required by Rule and Regulation 8.2.1. The motion passed unanimously.

OLD BUSINESS

Sign Final Order from Hearing Held for Cynthia Walter

The final order from the hearing held for Cynthia Walter was signed by Commission members.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Allamong reported that at the last Subcommittee to Review Statute Revisions meeting, it was decided that licensees should be notified about the updated disclosure forms. House Bill 320 was passed and those revisions to the forms became effective on January 1, 2011. Senate Bill 131 did not pass and the language that was included in the resale version of the form was not required. However, the language is good to have since it is already included in the new construction form. Mr. Taylor issued an opinion to the Delaware Association of Realtors to use in their notification to licensees that belong to their Association. Mr. Allamong had drafted an email to all of the licensees which was reviewed and discussed by Commission members. A discussion was held regarding how to word the email. Ms. Heeney advised that this does not fall under the Commission's statute and that the Commission does not issue advisory opinions or give legal advice. Ms. Heeney will revise Mr. Allamong's email to make it legally correct. Commission members asked for guidance as to how to answer questions that they are receiving from licensees. Ms. Heeney again advised that the Commission does not issue advisory opinions or give legal advice.

Ms. Melvin reminded members about the rule to show cause hearings scheduled for January 27, 2011 at 9:00 a.m.

Ms. Melvin advised members that the second questionnaire has been completed and sent to the Joint Sunset Committee. The final report from the Committee should be available around the end of January.

PUBLIC COMMENT

Ms. Tatman spoke regarding the notification about the updated disclosure forms that she sent to licensees who belong to the Delaware Association of Realtors.

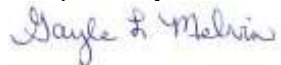
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, February 10, 2011 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Brannon, seconded by Mr. Staton to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:29 a.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III